REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed December 28, 2007 (Paper No. 20071217). Upon entry of this response, claims 1-40 and 42 are pending in the application. In this response, claims 26, 28, 32, 35, and 39 have been amended, claim 42 has been added, and claim 41 has been cancelled. Applicant respectfully requests that the amendments being filed herewith be entered and request that there be reconsideration of all pending claims.

1. Rejection of Claims 1-14 and 16-40 under 35 U.S.C. §102

Claims 1-14 and 16-40 have been rejected under §102(b) as allegedly anticipated by *Moeller et al. (*U.S. 5,828,370). Applicant respectfully traverses the rejection of claims 1-14 and 16-27, and submits that the rejection of claims 28-40 has been overcome by claim amendments made herein. A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983).

a. Independent Claim 1

Applicant submits that claim 1 is allowable for at least the reason that *Moeller et al.* fails to teach, disclose or suggest at least "using information provided by a video decoder to identify a first video picture to be decoded". The Office Action (p. 2) contends that *Moeller et al.* discloses this feature at Col. 3, lines 9-13 and 21-23, and Fig. 5 Element 104 with Col. 9, lines 31-35. The first cited portion of *Moeller et al.* briefly describes picture headers and sequence headers. The second cited portion of *Moeller et al.* describes analysis of presentation timestamps within sequence headers. Thus, the Office Action appears to allege that the presentation timestamps correspond to the "information provided by a video decoder to identify a first video picture to be decoded" recited in claim 1.

Applicant respectfully disagrees. Applicant will assume, for the sake of argument, that presentation timestamps are information that is used "to identify a first video picture to be decoded". Even so, *Moeller et al.* does not disclose that these timestamps are "***provided by a video decoder***" as recited in claim 1. First, *Moeller et al.* does not even disclose a decoder. Second, even assuming, for the sake of argument, that the set-top box 57 in *Moeller et al.* includes a decoder, the timestamp analysis function described in Col. 9, lines 31-35 of *Moeller et al.*, and relied on in the Office Action, is not described as being performed by the set-top box 57. Instead, *Moeller et al.* appears to describe the analysis as being performed by the media server 50: as shown in FIG. 5, the sequence headers which are examined for presentation timestamps (element 104) are part of a normal play MPEG stream that is received ***by media server 50*** (element 102, Col. 9, lines 20-25).

Finally, even assuming, for the sake of argument, that the media server 50 includes a decoder, there is no teaching in *Moeller et al.* that the analyzing of timestamps relied on by the Office Action is performed by the ***decoder***, rather than by some other portion of the media server 50. If this rejection is maintained, the Examiner is requested to point out with particularity (in another non-final Office Action) which feature in *Moeller et al.* allegedly corresponds to the "information provided by a video decoder to identify a first video picture to be decoded".

For at least the reason that *Moeller et al.* fails to disclose, teach or suggest the above-described features, Applicant submits that *Moeller et al.* does not anticipate claim 1. Therefore, Applicant requests that the rejection of claim 1 be withdrawn.

b. Independent Claim 21

Applicant submits that claim 21 is allowable for at least the reason that *Moeller et al.* fails to teach, disclose or suggest at least "receiving from the video server a second video stream configured to enable a seamless transition to the trick-mode operation." The Office Action (p. 6)

contends that *Moeller et al.* discloses this feature at Col. 3, lines 34-51 and Col. 11, lines 1-5.

These two portions of *Moeller et al.* are reproduced below:

> The index look-up tables for the trick play streams also allow the
> multimedia server 50 to transfer to and between equivalent positions of
> streams having different presentation rates, i.e., between normal play and
> trick play streams.
> (Col. 3, lines 34-51.)
> In an interactive video-on-demand (VOD) or near-video-on-demand
> (NVOD) system, it is greatly desirable for the user to be able to selectively
> fast forward and/or fast reverse through the movie being watched. Thus,
> some video-on-demand systems include fast forward and fast reverse
> streams, referred to as trick play streams, for each movie. When the user
> desires to fast forward or fast reverse through a movie, the user selects
> the fast forward or fast reverse option. The respective fast forward or fast
> reverse trick play stream is then transferred to the user at the appropriate
> point where the user was watching, instead of the normal play stream,
> thus simulating a fast forward or fast reverse of the movie being watched.
> Thus a single video stream, such as a movie, is encoded at different
> presentation rates to enable the video file to operate in fast forward or fast
> reverse speed in addition to the normal play presentation rate.
> (Col. 11, lines 1-5.)

Reading these portions together, Applicant will assume that the Office Action is alleging that the

index look-up tables correspond to the "second video stream configured to enable a seamless

transition to the trick-mode operation" recited in claim 21.

However, even assuming, for the sake of argument, that the index look-up tables

correspond to a video stream which is "configured to enable a seamless transition to the trick-

mode operation", *Moeller et al.* does not disclose, teach, or suggest that the index look-up table

is ***received from the video server*** as recited in claim 21. If this rejection is maintained, the

Examiner is requested to point out with particularity (in another non-final Office Action) which

feature in *Moeller et al.* allegedly corresponds to the second video stream received from the

video server.

For at least the reason that *Moeller et al.* fails to disclose, teach or suggest the above-

described features, Applicant submits that *Moeller et al.* does not anticipate claim 21. Therefore,

Applicant requests that the rejection of claim 21 be withdrawn.

c. Independent Claims 28 and 35

Applicant submits tha amended claim 28 is allowable for at least the reason that *Moeller et al.* fails to teach, disclose or suggest at least "parsing a stuffing transport packet (STP) to extract a time value corresponding to the current video picture". Amended claim 35 is allowable for at least the reason that *Moeller et al.* fails to teach, disclose or suggest at least "a video decoder in communcation with the processor, and that is configured to…parse a stuffing transport packet (STP) to extract a time value corresponding to the current video picture".

The Office Action contends (p. 8) that *Moeller et al.* teaches "parsing a stuffing transport packet (STP) comprising a time value corresponding to the current video picture" at Col. 3, lines 4-11 and Col. 9, lines 31-37. The first cited portion of *Moeller et al.* briefly describes picture headers and sequence headers. The second cited portion of *Moeller et al.* describes analysis of presentation timestamps within sequence headers. Thus, the Office Action appears to allege that a sequence header corresponds to the claimed "stuffing transport packet" and that the presentation timestamp corresponds to the claimed "time value corresponding to the current video picture".

Applicant respectfully disagrees with this allegation. First, a sequence header is not a transport packet, much less a "stuffing transport packet". Second, amended claims 28 and 35 do not recite a time value in general, but a time value "corresponding to the current video picture", where the current picture is the one decoded ("decoding a current video picture"). *Moeller et al.* does not describe analyzing presentation timestamps within sequence headers in conjunction with decoding. Thus, even if the analysis extracts a time value, *Moeller et al.* does not disclose, teach, or suggest that the time value "corresponds to the **current video picture**". If this rejection is maintained, the Examiner is requested to point out with particularity (in another non-final Office Action) which feature in *Moeller et al.* allegedly corresponds to "a stuffing transport packet".

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For at least the reason that *Moeller et al.* fails to disclose, teach or suggest the above-described features" Applicant submits that *Moeller et al.* does not anticipate claims 28 and 35. Therefore, Applicant requests that the rejection of claims 28 and 35 be withdrawn.

d. Dependent Claims 2-14, 16-20, 22-27, 29-34, and 36-40

Since independent claims 1, 21, 28, and 35 are allowable, Applicant submits that claims 2-14, 16-20, 22-27, 29-34, and 36-40 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicant requests that the rejection of claims 2-14, 16-20, 22-27, 29-34, and 36-40 be withdrawn.

2. Rejection of Claims 15 and 41 under 35 U.S.C. §103

Claims 15 and 41 have been rejected under §103(a) as allegedly obvious over *Moeller et al.* (5,828,370) in view of *Hallberg* (7,027,713). Claim 41 is cancelled without prejudice, waiver, or disclaimer, and the rejection of this claim is therefore rendered moot. Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of this cancelled claim in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the cancelled subject matter to the public. Applicant expressly reserves the right to present cancelled claim 41, or variants thereof, in continuing applications to be filed subsequent to the present application.

Applicant respectfully traverses the rejection of dependent claim 15. The addition of *Hallberg* does not cure the deficiencies of *Moeller et al* discussed above in connection with independent claim 1. Therefore, since independent claim 1 is allowable, Applicant submits that claim 15 is allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicant requests that the rejection of claim 15 be withdrawn.

3. <u>Newly Added Claims</u>

Applicant submits that new claim 42 is allowable over the cited references. Specifically, independent claim 42 is allowable for at least the reason that the cited references do not teach, disclose, or suggest the feature of "a processor…configured to…responsive the the user request for trick mode play, receive the stored time value from the decoder; identify, based on the received time value, a picture location; and retrieve a picture from the stored compressed video stream using the identified picture location". Therefore, Applicant requests the Examiner to enter and allow the above new claim.

CONCLUSION

Applicant respectfully requests that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 1-40 and 42 be allowed to issue. Any statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions. If the Examiner has any questions or comments regarding Applicant's response, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted,

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